

REMARKS

The Office Action requires the applicant under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action further indicates that the application contains claims directed to three different patentably distinct species of the claimed invention: Species No. 1 shown in Figures 1 and 2, Species No. 2 shown in Figure 3, and Species No. 3 shown in Figures 4-6.

In response, the applicant elects to further prosecute in this application Species No. 3 shown in Figures 4-6. Claims readable on Species No. 3 include claims 1-15, 19, 20, 22-28, 30-38, 42 and 43. The applicant also maintains that claims 16-18, 23-29 and 39-41 are readable on Species No. 1; and claims 21 and 22 are readable on Species No. 2.

The applicant additionally traverses the election requirement in that claim 1 covers all three species identified by the Office Action. Claim 1 recites the "near field" limitation, which, besides being present in Figures 4-6, is also present in Figures 1-3, as described at the top of page 6 of the published PCT application.

Independent apparatus claim 23 recites the "forwards transmission" limitation that is illustrated in Figure 2. However, this limitation is present in combination with the "near field" limitation as explained above.

The "transformer" limitation that's illustrated in Figure 3 is the subject of dependent claims 21 and 22. This limitation is therefore only present in combination with the "forwards transmission" limitation or "near field" limitation.

The applicant has added independent method claim 44, which is supported in the specification on page 6, lines 17 and 18. What distinguishes the method of claim 44 from methods known in the prior art is that the method of claim 44 includes the insertion of the pointed tip of a radiation applicator into the liver at a point in the

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region of a tumor in the liver and powering the applicator using a power input to transmit microwaves and heat the liver in the region of the tumor.

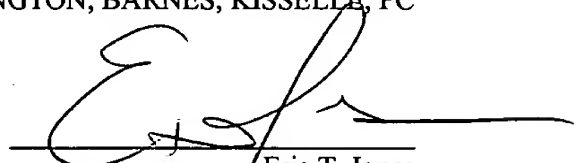
Claims 1-44 recite patentable subject matter and are allowable.

Therefore, the applicant respectfully submits that the application is now in condition for allowance and respectfully solicits such allowance. Please favorably reconsider the outstanding office action.

I authorize the Assistant Commissioner to charge any deficiencies, or credit any overpayment associated with this communication to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, PC

A handwritten signature in black ink, appearing to be 'Eric T. Jones', written over a horizontal line.

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